

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JEFF SCHMIDT,	:		
	:		
Plaintiff,	:	Civil Action No.:	03-1691 (RMU)
	:		
v.	:	Document Nos.:	17, 18, 20
	:		
AMERICAN INSTITUTE OF PHYSICS,	:		
	:		
Defendant.	:		

ORDER

In November 2003, the court received a letter from the *pro se* plaintiff seeking the court's guidance as to how to respond to what the plaintiff believes are "factual misstatements" in the defendant's reply. Letter dated Nov. 24, 2003. Keeping in mind that *pro se* litigants "are allowed more latitude than litigants represented by counsel to correct defects in service of process and pleadings," the court construed the plaintiff's request as a motion for leave to file a surreply and directed the Clerk of the Court to docket the plaintiff's letter accordingly. *Moore v. Agency for Int'l Dev.*, 994 F.2d 874, 876 (D.C. Cir. 1993). The court also permitted the plaintiff to file exhibits to his motion and set a deadline for the defendant to respond.

In response to the court's order, the plaintiff filed an exhibit consisting of an appendix of work schedules, but did not include a copy of a proposed sur-reply. Pl.'s App. The defendant's response did not contest the appropriateness of a sur-reply but instead addressed the substantive points raised by the plaintiff in his motion. Def.'s Resp. The court therefore has before it a motion for leave to file a sur-reply and a response to a sur-reply, but no sur-reply.

To remedy and simplify this situation, and ensure that the parties' views are made part of the record, it is this 15th day of March, 2004,

ORDERED that the plaintiff's motion [#20] for leave to file a surreply, the plaintiff's

appendix [#17], and the defendant's response [#18] are **STRICKEN**; and it is

FURTHER ORDERED that in lieu of a sur-reply, the plaintiff may file a supplemental brief, with attachments, regarding the plaintiff's place of employment and/or the location where the plaintiff performed his employment duties by no later than March 31, 2004. The defendant may file a supplemental brief, with attachments, in response to the plaintiff's brief by no later than April 14, 2004.

SO ORDERED.

RICARDO M. URBINA
United States District Judge



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To: DCD_ECFNotice@dcd.uscourts.gov
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Subject: Activity in Case 1:03-cv-01691-RMU SCHMIDT v. AMERICAN
INSTITUTE OF PHYSICS "Order on Motion for Leave to File"

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U.S. District Court

District of Columbia

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Case Name: SCHMIDT v. AMERICAN INSTITUTE OF PHYSICS
Case Number: 1:03-cv-1691
Filer:
Document Number: 21

Docket Text:

ORDER striking [17] Plaintiff's Motion for Leave to File, [20] Plaintiff's Appendix, and [18] Defendant's Response and setting a schedule for the filing of supplemental briefs. Signed by Judge Ricardo M. Urbina on 3/15/04.

The following document(s) are associated with this transaction:

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Original filename:O:\ECF Documents\03cv1691 Order.pdf

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